



[PATENT]

Before the United States Patent and Trademark Office

Serial Number: 09/678,915

AU:3627

Filed: 10/04/2000

For: Vending Machine Service System and Method Therefore

Ex: Zeender, Florian

Inv: Kronenberg et al

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Section 716.03 Affidavit of Commercial Success

GROUP 3000

Now comes Ira A. Kronenberg, an individual having a resident address of 476 CHRYSLER
ST NEW ORLEANS LA 70124, who swears as follows:

1) I have been involved with the vending machine industry extensively for over fifty years, having practiced in all aspects of the industry from owner/operator of vending units to provider of software and hardware to vending units throughout the United States and abroad.

2) I am a past board member of the National Automatic Vending Association, an organization devoted to overseeing and organizing the vending machine industry, and the organization responsible for establishing and maintaining the DEX specification and standards requirements for assuring uniform communications between vending machines and devices utilizing DEX.

3) I established and held the position of President for the Vending Machine Operators of Louisiana.

4) I helped establish and was past president of the Vending Machine Association Of The Gulf South, which includes Louisiana, Mississippi, Alabama, Georgia, and Florida.

5) I established Compuvend Systems, Inc., a Louisiana Corporation, in 1983 to provide software and hardware add-ons to the vending machine industry for accounting, management, inventory, and servicing. I hold the position of President of Compuvend Systems, Inc.

6) I have worked with many companies to pioneer and test different technologies in the vending industry including many responsible for collecting and providing information from vending machines, including:

a. I Worked with engineers at Coin Acceptors Inc. in the early 80s, to integrate their "Gold Box" technology into one of Compuvend's computerized products. The "Gold Box" collected only cash sales information and transmitted that to a collection device using induction technology, where the receiver had to be pressed against the vending machine. Coin Acceptors sells coin changers and bill validators internationally.

b. I Worked with Mars Electronics in the early 80s, who had a competing system to Coinco, and transmitted the information to a collection device using infrared technology. Mars Electronics sells coin changers and bill validators internationally.

c. I Worked with Compuline Corporation to develop and field test a technology to collect product information from machines, and transmit this information via infrared.

d.. I have worked with Greenwich Corporation to help develop a technology which pre-dates DEX, to get cash information from the vending machine via an infrared transmitter to a infrared receiving device.

e. I have worked with Audit Systems Corporation, who makes a retrofit device to collect DEX data from machines that do not have DEX capability, to do field testing of their devices, including having an engineer on site in our office working with our vending equipment.

7) In the late 90's Compuvend was approached by several companies such as ATT, Motient, and AES that wanted to sell airtime which would send the information to a collection site and then via the web that information could be downloaded to the corporate office. They did not have the capability to record or transmit information from the vending machines. In our research we found that these technologies were far too expensive to justify the investment for a vending operator and basically there was no market from the industry because of the cost.

8) I am aware of two companies had tried to market technologies using satellite technology to get the information back to the corporate office, and both of these companies went out of business.

9) In my over fifty years of experience in the vending machine industry, I am of the opinion that vending machine telemetry systems of the past have either been unduly complicated, unreliable, inflexible, and expensive, or have lacked the compatibility necessary for implementation with off-the-shelf vending machines, and there has accordingly existed a long-felt but unresolved need for a relatively easily implemented, cost effective, reliable system for telemetry of vending machine data to a local reception area.

10) Based upon the above, I am known in the industry as being familiar of all types of commercially implemented vending machine data collection, management, and communication techniques, procedure, equipment and devices for transmitting and receiving data from vending machines, as well as methods of managing vending machines utilizing transmitting and receiving devices.

11) In the late 90's I knew of no technology that could collect information from vending machines and send that information directly to route drivers in their service vehicle, to allow them to begin to service machines upon arrival.

12) Based upon a perceived need in the industry, I conceived of the invention documented and claimed in the present '915 application, to provide a relatively easily implemented, cost effective, reliable system for telemetry of vending machine data to a local reception area, and began research and development on the system of the present invention in 1998.

13) After much development and testing, the invention of the present application was reduced to practice and built with prototypes completed in 2000, with the first marketing and sales occurring in October of 2000, under the trademark BUZZBOX, by Compuvend Systems, Inc. Brochures currently used to describe the BUZZBOX product are attached hereto as Exhibit C.

14) From its introduction, the BUZZBOX was recognized as a significant new and unique product, and it has gained much attention in the media, having appeared in numerous trade publications, magazines; further, the Cable News Network (CNN) included it in a piece they aired about new technologies in the vending industry. See Exhibits A&B regarding the CNN feature, and

Exhibits E, F and H for articles on the BUZZBOX in nationally recognized trade journals. These publications include recognitions that BuzzBox is a unique and cost effective way to utilize wireless technology, increase route driver productivity, and reduce the amount of time that route drivers spend servicing machines, as well as increasing sales per machines.

15) From the beginning, Compuvend Systems, Inc. had inquiries on the BUZZBOX product from around the world, because other workable, cost effective solutions did not exist.

16) We have shipped BUZZBOXES to as far away as Nigeria, Africa for use in vending equipment there. Vending did not exist in Nigeria and when the first company started operations last year, they wanted to utilize the very latest technology that would make sense and help make them successful. BUZZBOX fulfilled that need. See Exhibit H.

17) Compuvend has sold over 5000 BuzzBox units to date, a number which I verily believe is indicative of the invention's commercial success, and a recognition that this product is truly unique in its operation, providing unparalleled cost effectiveness and reliability, as it is the only system which incorporates the disclosed and claimed methods and apparatus of the present patent application, including the method steps of:

a) compiling vending machine data to update sales and cash flow information, providing operational status data on each machine, and appending machine ID information to said operational status data, so as to provide a separate, updated data stream for each machine,

b) repeatedly transmitting each said updated data stream utilizing mono-directional RF transmission only, via a separate transmitter associated with each vending machine;

c) adjusting the transmission characteristics of each of said individual transmitters associated with each machine, providing multiple overlapping transmissions from separate transmitters to a designated reception area;

d) repeating steps a) - b), while

e) positioning a service vehicle within said reception area;

f) receiving said multiple overlapping transmissions from each of said separate transmitters from said service vehicle within said reception area, providing multiple received data streams, and

g) utilizing said multiple received data streams to pull inventory from said service vehicle to stock and service each said vending machine.

18) Further, I am not aware of any prior art device which utilizes the above method combined with the further steps of: stocking each machine, replenishing change utilizing said cash flow data, then resetting each machine at the machine location.

19) Further, I am not aware of any RF vending telemetry system as compatible with a multitude of various off-the-shelf vending machines providing DEX/UCS data, other than the present BUZZBOX system embodied in the present patent application.

20) Further, I am not aware of any other system except the present invention which provides a data stream including machine ID, location, and inventory, cash, operational status, and other data utilizing the method of paragraph (17), above, combined with the step of inputting data from said received data stream to a portable computer at said service vehicle, so that said portable computer indicates to the route operator the order of servicing each vending machine, and the location and identification of same, so as to provide the best route to follow in servicing said vending machines, as well as to assist the service operator to pack the inventory in the best order for said servicing.

21) In my opinion, the apparatus and methodology embodied in the mono-directional wireless communication system implemented and claimed by my application sets it apart from the prior art. Further, the BUZZBOX comprises, as far as I am aware, the most cost effective and reliable product for wireless relaying vending machine data to a local reception area for reception by the service vehicle, which I believe is the reason for its market acceptance, recognition, and commercial success. See Exhibits F&G.

22) In my opinion, the commercialized version of the present invention, the BUZZBOX, provides a new and heretofore unavailable product for service vehicle retrieval

of vending machine data. In fact, the industry has adopted the term "curbside polling" to designate a system whereby vending machine data is transmitted to a local reception area to a service vehicle, which term was first coined by myself and Mark Kronenberg to describe and commercially promote our system. See Exhibit D.

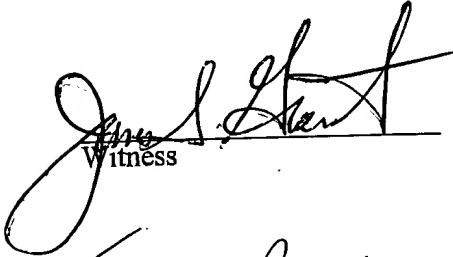
23) Before the BUZZBOX, there was no viable "curbside polling", whereby a service vehicle received RF data direct from the vending machine, and BUZZBOX was, as far as I am aware, the first product to provide "curbside polling" in significant commercial quantities. Since the introduction of the BUZZBOX, the industry has adopted "curbside polling" to describe the operation of the BUZZBOX as well as designating a new product field or market which heretofore was not viable. Therefore, it is believed that the Compuvend BUZZBOX established a new product market which heretofore has not existed, which market is dominated to date by the Compuvend BUZZBOX. See Exhibit F where a BuzzBox customer states: "CompuVend is the only supplier of curbside polling devices..".

24) Lastly, I am of the opinion that the present invention and commercialized BUZZBOX counterpart fulfills a long-felt, but unresolved need in the vending machine industry, by providing a system which is compatible with the widely used DEX/UCS protocol, and would appear to work with a variety of different types of vending machines and location scenarios, as well as under a wide variety of environmental conditions, which features have led to its commercial success in the BUZZBOX, and which commercially attractive features are attributable to the methodology claimed in the present application, including those summarized above, as well as flowing from the functions and advantages disclosed or inherent in the specification of the present application.

In conclusion, I verily believe that the commercialized version of the present invention, the Compuvend Systems, Inc's BUZZBOX, has attained commercial success in the industry by virtue of its thousands of sales to date, world-wide recognition and market acceptance, as well as extensive media attention, and further that it does indeed fulfill a long-felt but unresolved need in the vending machine industry, and I believe that this system is truly

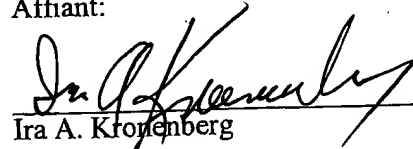
revolutionary as it provides a new option to vending operators which did not exist heretofore,
which improvements are set forth in the claims of the present application.

Sworn this 27th day of September, 2004, in Metairie,
Louisiana.


Witness


Witness

Affiant:


Ira A. Kronenberg

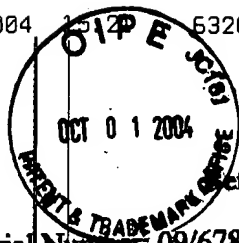
BENJAMIN W. BRONSTON
Notary Public, State of Louisiana
My Commission is for Life.

Sworn this 27th day of September 2004.


Notary

Commission expires: at death

BENJAMIN W. BRONSTON
Notary Public, State of Louisiana
My Commission is for Life.



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Combined 37 CFR 1.132 Affidavit and
Section 716.03 Affidavit of Commercial Success

GROUP 3600

Now comes James T. Babiarz, an individual having an address of 1335 W. King Street, Cocoa, Florida, who swears as follows:

1) I am a member of the National Automatic Vending Association having the acronym NAMA and a web site of www.nama.org, an organization devoted to overseeing and organizing the vending machine industry, and the organization responsible for establishing and maintaining the DEX specification and standards requirements for assuring uniform communications between vending machines and devices utilizing DEX;

2) I have been involved in the vending machine industry for over 15 years.

3) I have been President of the Automatic Merchandising Association of Florida for multiple terms.

4) I run a substantial vending machine operation in the Cocoa, Florida area, Winner Vending Inc., which operates over 600 vending machines.

5) I am knowledgeable of commercially implemented technologies in the vending machine industry regarding the collection, management and communication of vending machine data to and from remote locations;

6) I am familiar with all types of commercially implemented vending machine data collection, management, and communication techniques, procedure, equipment and devices for transmitting and receiving data from vending machines, as well as methods of managing vending machines utilizing transmitting and receiving devices;

7) I am familiar with the BUZZBOX brand device of Ira A. Kronenberg and Mark S. Kronenberg, which I understand to be described and claimed in U.S. Patent Application Serial Number 09/678,915, entitled "Vending Machine Service System and Method Therefore", and have reviewed the prior art cited by the Examiner in the Office Action dated 04/29/2004;

8) While there may exist the prior implementation of certain systems and methods for collecting data from one or more vending machines for telemetry to distant locations, other than the Computend BUZZBOX system embodied in the Kronenberg's "Vending Machine Service System" patent application, I am not aware of any other system for vending machine telemetry comprising the steps of:

a) compiling vending machine data to update sales and cash flow information, providing operational status data on each machine, and appending machine ID information to said operational status data, so as to provide a separate, updated data stream for each machine,

b) repeatedly transmitting each said updated data stream utilizing mono-directional RF transmission only, via a separate transmitter associated with each vending machine;

c) adjusting the transmission characteristics of each of said individual transmitters associated with each machine, providing multiple overlapping transmissions from separate transmitters to a designated reception area;

d) repeating steps a) - b), while

e) positioning a service vehicle within said reception area;

f) receiving said multiple overlapping transmissions from each of said separate transmitters from said service vehicle within said reception area, providing multiple received data streams, and

g) utilizing said multiple received data streams to pull inventory from said service vehicle to stock and service each said vending machine.

9) Further, I am not aware of any device which utilizes the above method combined with the further steps of: stocking each machine, replenishing change utilizing said cash flow data, then resetting each machine at the machine location.

10) Further, I am not aware of any RF vending telemetry system as compatible with a multitude of various off-the-shelf vending machines providing DEX/UCS data, other than the present Kronenberg system.

11) Further, I am not aware of any other system except the Kronenberg system which provides a data stream including machine ID, location, and inventory, cash, operational status, and other data utilizing the method of paragraph (8), above, combined with the step of inputting data from said received data stream to a portable computer at said service vehicle, so that said portable computer indicates to the route operator the order of servicing each vending machine, and the location and identification of same, so as to provide the best route to follow in servicing said vending machines, as well as to assist the service operator to pack the inventory in the best order for said servicing.

12) In my opinion, neither the Beard et al, Sedam et al, nor Howell et al teach, contemplate, or suggest, alone or in combination, the claimed inventions of Kronenberg;

13) I am further of the opinion that there has been a long felt, but unresolved need for a reliable, relatively inexpensive and easily implemented wireless system for conveying status information from an off-the shelf vending machine to a service vehicle.

14) Further, in my 15+ years of experience in the vending machine industry, I am of the opinion that vending machine telemetry systems of the past have either been unduly complicated, unreliable, inflexible, and expensive, or have lacked the compatibility necessary for implementation with off-the-shelf vending machines, and there has accordingly existed a long-felt but unresolved need for a relatively easily implemented, cost effective, reliable system for telemetry of vending machine data to a local reception area.

15) In my opinion, the apparatus and methodology embodied in the mono-directional wireless communication system implemented in the BUZZBOX brand apparatus, and claimed

by Kronenberg, above, provides an excellent means to relay vending machine data to a local reception area, and does so in a manner which is a new, useful, and unobvious in light of the prior art.

16) I am aware that the system of the Kronenberg invention has been successfully commercialized, and has thousands of installations in the U.S. and abroad under the product trademark BUZZBOX. My company, Winner Vending Inc., purchased and has utilized for some period many such BUZZBOX units for our commercial vending operation. In my opinion, the BUZZBOX system has provided a new and heretofore unavailable product for service vehicle retrieval of vending machine data.

17) I am of the opinion that the system of Kronenberg fulfills a long-felt, but unresolved need in the vending machine industry, by providing a system which is compatible with the widely used DEX/UCS protocol, and would appear to work with a variety of different types of vending machines and location scenarios, as well as providing communication of the vending data to a service vehicle under a wide variety of environmental conditions.

18) In my opinion, the apparatus and methodology embodied in the mono-directional wireless communication system implemented in the BUZZBOX product and set forth above sets it apart from the prior art and competing products to the Compuvend BUZZBOX. Further, the BUZZBOX comprises, as far as I am aware, the only viable, cost effective and reliable product for relaying vending machine data to a local reception area for reception by the service vehicle, doing so in a manner which is a new, useful, and unobvious in light of the prior art, which is further evidenced in the market acceptance, recognition, and commercial success of the product.

19) In my opinion, the commercialized version of the present invention, the BUZZBOX, provides a new and heretofore unavailable product for service vehicle retrieval of vending machine data. In fact, the industry has adopted the term "curbside polling" to designate a system whereby vending machine data is transmitted to a local reception area to a service vehicle, which term I understand was first coined by Ira A. Kronenberg and Mark Kronenberg to describe and commercially promote the Compuvend BUZZBOX system.

20) Before the BUZZBOX, I was unaware of any viable product offering "curbside polling", whereby a service vehicle received RF data direct from the vending machine, and BUZZBOX was, as far as I am aware, the first product to provide "curbside polling" in any significant commercial quantities. Since the introduction of the BUZZBOX, I understand that the industry has adopted "curbside polling" to describe the operation of the BUZZBOX as well as designating a new product field or market which heretofore was not viable. Therefore, I believe that the Compuvend BUZZBOX established a new product market which heretofore had not existed, which market I believe is now dominated to date by the Compuvend BUZZBOX product.

21) I am of the opinion that the present invention and commercialized BUZZBOX counterpart fulfills a long-felt, but unresolved need in the vending machine industry, by providing a system which is compatible with the widely used DEX/UCS protocol, and would appear to work with a variety of different types of vending machines and location scenarios, as well as under a wide variety of environmental conditions, which features have led to its commercial success in the BUZZBOX, and which commercially attractive features are attributable to the methodology claimed in the present application, including those summarized above, as well as flowing from the functions and advantages disclosed or inherent in the

specification of the present application.

22) I verily believe that the commercialized version of the present invention, the Compuvend BUZZBOX, has attained commercial success in the industry by virtue of its thousands of sales to date, world-wide recognition and market acceptance, as well as extensive media attention, as it does indeed fulfill a long-felt but unresolved need in the vending machine industry, and I believe that this system is truly revolutionary as it provides a new option to vending operators which did not exist heretofore, which improvements are set forth in the claims of the present application, and which improvements, I believe, make the BUZZBOX product a success.

In conclusion, I am of the opinion that the system of Kronenberg et al, set forth above and embodied in the Compuvend BUZZBOX product, fulfills a long-felt, but unresolved need in the vending machine industry, and I believe that this system is truly revolutionary as it provides a new option to vending operators which did not exist heretofore. Further, I am of the opinion that commercial recognition and success of the Kronenberg invention is a result of the BuzzBox product having fulfilled that long-felt but unresolved need for a cost effective, reliable system for delivering vending machine data to a service vehicle in a local reception area, via a mono-directional wireless transmission, as described above.

Sworn this 29 day of Sept, 2004, in MCNNH FLOR
FLOR

[Signature]
Witness

Affiant:

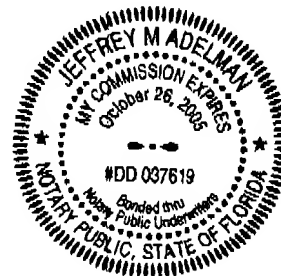
[Signature]
James T. Babiarz

Witness

Sworn this 29 day of Sept, 2004.

[Signature]
Notary

Commission expires: 10/26/05





[PATENT]

Before the United States Patent and Trademark Office

Serial Number: 09/678,915

AU:3627

Filed: 10/04/2000

For: Vending Machine Service System and Method Therefore

Ex: Zeender, Florian
Inv: Kronenberg et al

37 CFR 1.132 Affidavit

Now comes Tim Sanford, an individual and resident of the State of New York, who swears as follows:

1) I am Editor-in-Chief of the trade periodical Vending Times, a nationally distributed monthly magazine devoted to the vending machine industry, and having an Internet address of www.vendingtimes.com;

2) I have been involved in the vending machine industry for over thirty five years, and specialize in the documentation and reporting of vending technologies, including the implementation of new vending technologies from the late 1960's to the present.

3) I am also knowledgeable of commercially implemented technologies in the vending machine industry regarding the collection, management and communication of vending machine data to and from remote locations;

4) I am familiar of all types of commercially implemented vending machine data collection, management, and communication techniques, procedure, equipment and devices for transmitting and receiving data from vending machines, as well as methods of managing vending machines utilizing transmitting and receiving devices;

5) I have reviewed the device of Ira A. Kronenberg and Mark S. Kronenberg, embodied in U.S. Patent Application Serial Number 09/678,915, entitled "Vending Machine Service System and Method Therefore" and the prior art cited by the Examiner in the Office Action dated 04/29/2004;

6) While there may exist the prior implementation of certain systems and methods for collecting data from one or more vending machines for telemetry to distant locations, other than the Kronenberg's "Vending Machine Service System", I am not aware of any other system for vending machine telemetry comprising the steps of:

a) compiling vending machine data to update sales and cash flow information, providing operational status data on each machine, and appending machine ID information to said operational status data, so as to provide a separate, updated data stream for each machine,

b) repeatedly transmitting each said updated data stream utilizing mono-directional RF transmission only, via a separate transmitter associated with each vending machine;

c) adjusting the transmission characteristics of each of said individual transmitters associated with each machine, providing multiple overlapping transmissions from separate transmitters to a designated reception area;

d) repeating steps a) - b), while

e) positioning a service vehicle within said reception area;

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GROUP 3600

f) receiving said multiple overlapping transmissions from each of said separate transmitters from said service vehicle within said reception area, providing multiple received data streams, and

g) utilizing said multiple received data streams to pull inventory from said service vehicle to stock and service each said vending machine.

7) Further, I am not aware of any device which utilizes the above method combined with the further steps of e) stocking each machine, replenishing change utilizing said cash flow data, then resetting each machine at the machine location.

8) Further, I am not aware of any RF vending telemetry system as compatible with a multitude of various off-the-shelf vending machines providing DEX/UCS data, other than the present Kronenberg system.

9) Further, I am not aware of any other system except the Kronenberg system which provides a data stream including machine ID, location, and inventory, cash, operational status, and other data utilizing the method of paragraph (6), above, combined with the step of inputting data from said received data stream to a portable computer at said service vehicle, so that said portable computer indicates to the route operator the order of servicing each vending machine, and the location and identification of same, so as to provide the best route to follow in servicing said vending machines, as well as to assist the service operator to pack the inventory in the best order for said servicing.

10) In my opinion, neither the Beard et al, Sedam et al, nor Howell et al teach, contemplate, or suggest, alone or in combination, the claimed inventions of Kronenberg;

11) I am further of the opinion that there has been a long felt, but unresolved need for a reliable, relatively inexpensive and easily implemented wireless system for conveying status information from an off-the shelf vending machine to a service vehicle.

12) In my over thirty-five years of documenting new technologies in the vending machine industry, I am of the opinion that vending machine telemetry systems of the past have either been unduly complicated, unreliable, inflexible, and expensive, or have lacked the compatibility necessary for implementation with off-the-shelf vending machines, and there has accordingly existed a long-felt but unresolved need for a relatively easily implemented, cost effective, reliable system for telemetry of vending machine data to a local reception area.

13) In my opinion, the apparatus and methodology embodied in the mono-directional wireless communication system implemented and claimed by Kronenberg provides an excellent means to relay vending machine data to a local reception area, and does so in a manner which is a new, useful, and unobvious in light of the prior art.

14) I am aware that the system of the Kronenberg invention has been successfully commercialized, and has thousands of installations in the U.S. and abroad. In my opinion, the system has provided a new and heretofore unavailable product for service vehicle retrieval of vending machine data. In fact, the industry has adopted the term "curbside polling" to designate a system whereby vending machine data is transmitted to a local reception area to a service vehicle, which term I understand was coined and first used by the Kronenbergs to

describe and commercially promote their system.

15) Lastly, I am of the opinion that the system of Kronenberg fulfills a long-felt, but unresolved need in the vending machine industry, by providing a system which is compatible with the widely used DEX/UCS protocol, and would appear to work with a variety of different types of vending machines and location scenarios, as well as under a wide variety of environmental conditions.

In conclusion, I am of the opinion that the system of Kronenberg et al, embodied above, does indeed fulfill a long-felt but unresolved need in the vending machine industry, and I believe that this system is truly revolutionary as it provides a new option to vending operators which did not exist heretofore.

Sworn this 27 day of Sept, 2004, in NY, NY

Cara J. McSherry
Witness

Affiant:
Timothy R. Sanford
Tim Sanford

Michael J. Montano
Witness

Sworn this 27 day of Sept, 2004.

[Signature]
Notary

Commission expires: HOWARD EFRAN
Notary Public, State of New York
No. 314779104
Qualified in Queens County
Commission Expires 3/31/07